

Appl. No. 09/728,852
NCR Docket No. 9261
Reply to Office Action Mailed June 7, 2004

REMARKS

Claims 1-9 and 11-31 are pending in the application. The Office has rejected claims 1-3, 6-9, 11-17, 19-25, and 28-31 under 35 USC § 102(e) as being anticipated by Kabra *et al.* (US Pat. No. 6,507,834). Claims 4, 5, 18, 26, and 27 are objected to as being dependent upon a rejected base claim.

102(e) Rejection in View of Kabra

With respect to independent claim 1, Kabra does not show or suggest "receiving data to be stored in a database system having plural data servers" as claimed by Applicant. The passage (col. 7, lines 4-15) cited by the Office Action refers to "storing data in one or more data storage devices." The act of *receiving data* is completely missing from Kabra. The only action involving data described in this passage is the *storing* of data which is not the same as *receiving* data. Furthermore, not all data that is stored has been received by the database. Some data can be generated within the database. The absence of *receiving data* is the first point of error for claim 1 made by the Office Action.

Claim 1 further recites "receiving information associated with at least one characteristic of the data." In asserting that Kabra teaches this act, the Office Action refers to a passage (col. 12, lines 4-10) in Kabra that discusses transmitting master data from a data server to a client. The actions in Applicant's claim occur at a database having plural servers. These actions do not occur at a client. In Kabra, it is the server that is sending instead of receiving as required by Applicant's claim. This is the second point of error for claim 1 made by the Office Action.

Claim 1 further recites "partitioning the data for storage in the database system based on the characteristic associated with the data." The passage (col. 16, lines 58-59) in Kabra cited by the Office Action teaches that information may be partitioned across multiple data storage devices but does not show or suggest that the partitioning is based on a *characteristic associated with the data*. This feature is missing entirely from Kabra. This is the third point of error for claim 1 made by the Office Action.

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Claim 1 further recites "storing the partitioned data in storage units associated with the plural data servers." The Office Action asserts that two passages (col. 6, line 66 through col. 7, line 15; and Col. 8, line 66 through col. 9, line 9) in Kabra teach this act. The passage from column 6 does teach *one or more data servers* and the passage from column 8 does teach *partitioning of data servers and data storage devices*, but Kabra does not teach the storing of *partitioned data*. The partitioning of data servers and data storage devices is not the same as *partitioning data* as required by Applicant. This feature is missing from Kabra. This is the forth point of error for claim 1 made by the Office Action,

Finally, claim 1 further recites "in response to a database query, selecting less than all the plural data servers based on the positioning of the data to reduce a number of data servers involved in processing the database query." The Office Action asserts that two passages (col. 5, lines 57-66; and col. 7, lines 15-19) in Kabra teach this act. The passage from column 5 states that the *query is optimized and parallelized* and that communication links are established. The passage from column 7 teaches the most efficient mechanism for *transporting data* between the query coordinator (QC) and the data servers (DS). Neither of these passages shows or suggests selecting *less than all the plural data servers* based on any metric or parameter of any sort, let alone based on *the positioning of the data* as required by Applicant. This feature is also missing from Kabra. This is the fifth point of error for claim 1 made by the Office Action.

In view of the errors made by the Office in the application of Kabra to claim 1, the rejection of claim 1 should be withdrawn.

With respect to independent claim 11, Kabra does not show or suggest "a database controller ... adapted to receive partitioning information and perform a partitioning task on data received through the network interface based on the partitioning information to partition the data in plural groups." The Office Action asserts that figure 3 and the passage at column 8, line 66, through column 9, line 8, of Kabra teaches this act. This passage teaches that *an ASCII plan* is read/received from the query optimizer and once read, *a new plan* is developed. For the remainder of the passage, all action is performed on the new plan and not on the original plan or data. Applicant objects to the

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Office reading Applicant's *data* on to Kabra's "original plan." The two are not the same and, even if they were, Applicant requires that a partitioning task be performed on the *received data*, not on *developed data* created by the database. The act of *partitioning the received data* is missing from Kabra. This is the first point of error for claim 11 made by the Office Action.

Claim 11 further recites "the database controller adapted to further store the plural groups of the data partitioned by the partitioning task into the plural storage modules associated with corresponding plural data servers." The Office Action asserts that Kabra discloses this in two passages: column 6, line 66, through column 7, line 15; and column 8, line 66, through column 9, line 9. The passage from column 6, as discussed earlier, discloses plural data servers. The passage from column 8, as discussed in the prior paragraph, performs actions on data that is not read or received but *developed*. In any case, Kabra does not show or suggest the storing of plural groups of data partitioned by a partitioning task into plural storage modules associated with corresponding plural data servers. This feature is completely missing from Kabra. This is the second point of error for claim 11 made by the Office Action.

Finally, claim 11 further recites "the database controller adapted to select, in response to a database query, less than all the plural data servers based on the partitioning information to reduce a number data servers involved in processing the database query." The Office Action asserts that Kabra discloses this in the passage at column 7, lines 15-19. As described earlier, this passage teaches the most efficient mechanism for *transporting* data between the query coordinator (QC) and the data servers (DS). A means for *transporting data* is not the same as selecting *less than all the plural data servers*, and there is certainly no mention of *using partitioning information*. This feature of Applicant's claim is missing from Kabra. This is the third point of error for claim 11 made by the Office Action.

In view of the errors made by the Office in the application of Kabra to claim 11, the rejection of claim 11 should be withdrawn.

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With respect to the body of independent claim 19, the Office directed the Applicant to the remarks and discussions made in claim 1 of the Office Action. Applicant likewise directs the Office to the Applicant's reply to the rejection of claim 1. In view of the errors made by the Office in the application of Kabra to claim 1, which are also applicable to claim 19, the rejection of claim 19 should be withdrawn.

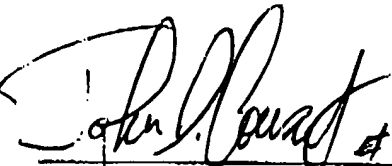
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CONCLUSION

Kabra does not show or suggest all of the elements of Applicant's claims. Therefore, all claims are allowable over the art of record. Applicant asks the Office to reconsider this application and allow all claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 50-1673.

Respectfully,

Date: 9/7/04

for  \$78,415
Harden E. Stevens, III
Reg. No. 55,649
NCR Corporation
1700 South Patterson Blvd.
Dayton, Ohio 45479
(803) 939-6505
(803) 939-5099 (fax)